

REMARKS**Status of the Claims**

Upon entry of the amendment above, claims 1-3, 5-10, 12-17, and 19-30 will be pending, claims 1, 10, and 22 being independent.

The total number of claims remains the same.

Summary of the Office Action

Claims 1-9 are rejected under 35 USC §112, second paragraph, and claims 10, 11, 17, and 21-27 are objected to with regard to certain informalities, as stated on page 2 of the Office action.

Claims 1-3, 5-17, and 19-21 are rejected under 35 USC §102(b) and/or under 35 USC §103(a), as stated on pages 3-5 of the Office action.

Claim 7 is rejected under 35 USC §103(a) over NEWMAN in view of ORIMA et al. (U.S. Patent No. 5,405,644), as stated on page 4 of the Office action.

Claims 4 and 8 are indicated to contain allowable subject matter, but are objected to for depending from rejected claims.

Claims 22-27 are believed to contain allowable subject matter, having been only objected to.

Response to the Office Action

The amendment above is intended to place the instant application in condition for allowance. First, independent claims 1 and 10 are amended to include subject matter of allowable claims 4 and 8, respectively.

In addition, the issues raised in the indefiniteness rejection (§112, second paragraph) and the objection to certain claims have been addressed and are believed to be resolved.

A. Withdrawal of the Rejection of Claims 1 and 9 for Indefiniteness

Independent claim 1 has been amended to change "said yoke" to "said section," for consistency with the remainder of the claims, there being antecedent basis for the latter phrase.

Claim 9 has been amended to depend from claim 1 rather than from claim 14.

In view of the amendments, reconsideration and withdrawal of the rejection under 35 USC §112, second paragraph, is kindly requested.

B. Withdrawal of the Objection of Claims 10, 11, 17, 21-27

In response to the objection of claims 10, 11, 17, and 21-27 for no recitation of certain phrases in the specification, Applicants have amended the specification as needed. No prohibited new matter has been added.

1. Claim 10

With regard to the asserted lack of support in the specification for the recitation, in claim 10, of the "material is different" from the abrasion-resistant material, an amendment has been made to the specification (paragraph 0042).

2. Claim 11

Claim 11 has been canceled.

3. Claim 17

Claim 17 is rejected for the following reason:

Claim 17 states that the sleeves are made of different material yet there is no support in the specification for this recitation. The specification states that the material of the sleeves is preferably the same material.

The body of claim 17 reads as follows: "... said sleeves are not made of said abrasion-resistant material."

The referenced "abrasion-resistant material" is that specified in parent claim 10 of which said body portion of the garment is comprised. Therefore, claim 17 can be regarded as reciting the sleeves being made of a material different from said abrasion-resistant material of the body portion.

The original specification describes three different materials, as summarized in original paragraph 0042, which are arranged to cover different portions of the upper body. Paragraph 0042 has been amended to emphasize the three materials as being characterized as (1) section 41, (2) sections 11 and 21, and (3) material 31.

Therefore, inasmuch as the sleeves can be comprised of materials (1) and (3), as shown in the illustrated embodiment of the invention, rather than from material (1), the specification provides support for claim 17 which specifies that the sleeves are not made of the "abrasion-resistant" material (of sections 11, 21).

The reference in the objection to the specification stating that "the material of the sleeves is preferably the same material" (stated at the end of paragraph 0039) is not believed to be relevant to claim 17 (*i.e.*, claim 17 not reciting the sleeves being different from each other --- although not precluding such difference). In fact, Applicants note that in Fig. 1, each sleeve 30 is shown to be comprised of materials 31 and 41 and, therefore, each sleeve can be characterized, in the illustrated embodiment of Fig. 1, as comprising "the same material 31."

4. Claims 20, 21, 24

The objection to claims 20, 21, and 24 is stated thusly: "There is no support in the specification for the arms/sleeves as being of an antibacterially treated fabric as in claims 20, 21, and 24."

Applicants respectfully disagree.

Paragraphs 0036-0038 are the following:

[0036] The material of section 41 will preferably undergo an antibacterial treatment and/or will be provided with antibacterial elements, such as silver threads.

[0037] Such a material is known, for example, under the trademark "X STATIC."

[0038] The treatment or antibacterial composition prevents bad odors related to the proliferation of bacteria originating from perspiration.

Further, in Figs. 1 and 2, the bottoms of the sleeves 30 are shown as comprising the aforementioned material of section 41. In this regard, paragraph 0032 of the specification to expressly state that which is shown, *i.e.*, that the bottoms of the sleeves 30 include such material.

5. Claim 22

Finally, claim 22 has been objected to for the reason that "in claim 22, line 5 it appears that language is missing after 'second section.'"

In view of the objection, Applicants have amended claim 22 to delete the expression "a panel" immediately following "second section." The deleted expression appears to have been retained inadvertently during the drafting of the claim. Therefore, the affected limitation in claim 22 appears as follows:

said body portion further comprising a second section
~~a panel~~ adapted to cover a front of the wearer's torso

C. Request for Entry of Amendment

Entry of the amendment is kindly requested in view of the foregoing amendments whereby (1) allowable subject matter has been incorporated into independent claims 1 and 10; (2) the remaining independent claim, *viz.*, claim 22, has not been rejected on a "prior art" ground, while the rejection for indefiniteness has been addressed; and (3) the remaining issues presented in the indefiniteness rejection and the objections to certain other claims have also been addressed.

Lastly, although Applicants have presented three additional dependent claims (*viz.*, claims 28-30), such claims relate to subject matter which corresponds to that of previously presented claims, although their dependences are varied. In any event, the total number of claims has not be increased by their addition.

SUMMARY AND CONCLUSION

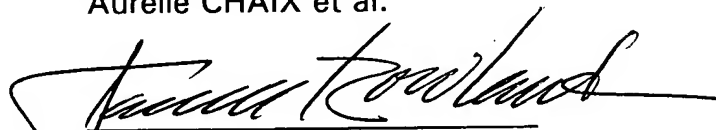
The instant application has been amended to place it in condition for allowance, consistent with the indication of allowability in the Office action. Reconsideration and allowance are therefore requested.

No fee is believed to be due at this time. Nevertheless, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

Further, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR §1.136(a) in the necessary increment(s) of month(s) to render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR §1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
Aurélie CHAIX et al.



James L. Rowland
Reg. No. 32,674

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191

703-716-1191 (telephone)
703-716-1180 (fax)